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c 53 Burlington Beach Act

Ontario

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CHAPTER 53.

An Act respecting Burlington Beach.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Burlington Beach Act*.
7 Edw. VII. c. 22, s. 1.

Commission continued. 2.—(1) There shall continue to be a Board of Commissioners, composed of not less than two persons appointed by the Lieutenant-Governor in Council, which shall be a body corporate by the name of "The Burlington Beach Commission," hereinafter called the Commission.

Tenure of office. (2) The Commissioners shall hold office during pleasure.

Chairman and secretary. (3) The Commissioners shall at the first meeting of the Commission in each year elect one of their number as Chairman and shall appoint a Secretary, who for the purposes of this Act shall possess all the rights and powers and perform all the duties that pertain respectively to the offices of clerk and treasurer of a village. (*See* 7 Edw. VII. c. 22, s. 2.)

Beach vested in commission. 3. All those parcels or tracts of land and premises known as portions of Burlington Beach in the township of Saltfleet, as shown and coloured red on parts of a plan of survey by Thomas C. Brownjohn, P.L.S., dated Hamilton, September 25th, 1874, of record in the Department of Lands, Forests and Mines, which are abutted and bounded as follows:—

First. Commencing at the point A as shown on the plan in the southern limit of the County of Halton; thence easterly along that limit to the easterly shore of the Beach at the point B as shown on the plan; thence southerly along the said Beach to the point C as shown on the plan at the intersection of the northerly limit of the Burlington Canal Reserve; thence westerly along the northerly limit of the Reserve to the westerly shore of the Beach at the point D as shown on the plan; thence northerly along the Beach to the point A as shown on the plan, the place of beginning;

Second. Commencing at the point E on the plan in the southern limit of the Burlington Canal Reserve; thence easterly along that limit to the easterly shore of the Beach at the point F as shown on the plan; thence southerly along

the Beach to the point G as shown on the plan, being the point of intersection with the north side of the road between lots Nos. 28 and 29 in the 1st concession of the Township of Saltfleet, produced easterly to the Beach; thence westerly along the northerly side of that road produced to the westerly shore of the Beach at the point H as shown on the plan; thence northerly along the said beach to the point E as shown on the plan, the place of beginning;

Third. The Burlington Canal Reserve;

Fourth. The promontory extending into Burlington Bay from the Beach, which is not colored red on the plan, and which promontory extends from a point a little north of the northerly boundary of the lands granted to Frank E. Walker by letters patent dated 18th May, 1896, southerly to a point opposite the lands granted to James Crooks by letters patent dated 7th April, 1897;

Fifth. Land under the waters of Burlington Bay and Lake Ontario adjoining the Beach which may be required for water lots and kindred purposes, in which the fee is vested in the Crown;

And hereinafter referred to as Burlington Beach shall continue to be vested in the Commission in trust for the Crown, and the Commission shall have jurisdiction over the whole thereof for the purposes of all powers granted to it under this Act. 7 Edw. VII. c. 22, s. 3.

4. It shall be the duty of the Commission and it shall have power to enquire into and ascertain the facts concerning all franchise agreements, all sub-leases, all portions of Burlington Beach held under sub-leases from the Corporation of the City of Hamilton or otherwise, the names of the persons holding the same, the amounts of rents reserved, or other payments provided for in the same, the terms and conditions under which such agreements and sub-leases are made, and all other particulars in connection with the same. 7 Edw. VII. c. 22, s. 4.

Board to enquire as to present franchises and sub-leases.

5. The Commission shall have power to demand, collect and receive from any person in occupation or use of the lands in Burlington Beach under any such agreement or sub-lease any money due and unpaid for rent or otherwise in respect thereof. See 7 Edw. VII. c. 22, s. 5.

Collection of arrears of rent.

6. The Commission shall, after making such enquiries, report to the Lieutenant-Governor in Council all facts in connection therewith, and shall make such recommendation to the Lieutenant-Governor in Council as to the terms and conditions upon which any land should be leased, sold or otherwise disposed of and any rights, privileges or franchises should be granted to the occupants or to other persons as to the Com-

Report upon sub-leases.

mission may seem just and proper under the circumstances of each case. 7 Edw. VII. c. 22, s. 6.

Regulations,
leases, etc.

7. The Commission subject to such regulations as may be approved by the Lieutenant-Governor in Council may make such dispositions by agreement, lease, sale or otherwise as may be approved by the Lieutenant-Governor in Council. 7 Edw. VII. c. 22, s. 7.

Duties as to
receipts and
expenditure.

8. The Commission shall collect all rents, taxes or other money accruing due in respect of land in Burlington Beach, and may expend so much of the money received therefrom as may in its opinion be necessary or expedient in beautifying or otherwise improving the same as a park and place of public resort, and for all purposes authorized by this Act, and shall annually remit on or before the 1st day of December in each year to the Treasurer of Ontario any surplus remaining in its hands. 7 Edw. VII. c. 22, s. 8.

Constables.

9. The Commission may appoint one or more constables who shall have the same powers and perform the same duties in Burlington Beach as a constable appointed by the council of a village. 7 Edw. VII. c. 22, s. 9.

By-laws for
regulation.

10.—(1) The Commission shall have all the powers conferred by *The Municipal Act* on the board of commissioners of police in a city having a population of not less than 100,000.

License fees.

(2) The Commission may make regulations and pass by-laws for fixing the sums to be paid for licenses required under the by-laws passed under subsection 1.

Effect of
by-laws
passed by
commissioners.

(3) After the passing of any such by-law no general by-law of the township for any of the purposes provided for by such by-law shall apply.

Fire
protection.

(4) The Commission may also make regulations and pass by-laws for protection from fire and for providing such fire appliances as it may deem necessary for the protection of life and property within the limits of Burlington Beach.

Sidewalks,
drains, park
improvements,
etc.

(5) The Commission may also make regulations and pass by-laws for letting contracts or employing labour and purchasing material for building sidewalks and culverts, putting in drains and improving and beautifying Burlington Beach as a park and place of public resort and doing all things necessary for such purposes, and the Commission may pass by-laws for entering into and may enter into contracts for the supply of water, light or heat by any person or company to Burlington Beach or the residents therein and doing all things necessary for such purposes within the limits of Burlington Beach.

Generally.

(6) The Commission may also make such regulations and pass such by-laws for the proper government of Burlington Beach as may be approved by the Lieutenant-Governor in Council. 7 Edw. VII. c. 22, s. 10.

11.—(1) The Commission may raise by loan a sum not exceeding \$20,000 for the purpose of constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water works and all buildings, materials, machinery and appurtenances thereto belonging, and other permanent works for a proposed water works system of the Commission and a sum not to exceed \$20,000 for enlarging and improving the Park on Burlington Beach. 8 Edw. VII. c. 31, s. 2.

Commission authorized to borrow \$20,000 for materials, etc.

(2) The Commission may pass by-laws for contracting debts for any of such purposes by borrowing money and for issuing debentures therefor, and it shall not be necessary to levy any special rate therefor.

By-laws for contracting debts.

(3) The whole debt and the debentures to be issued therefor shall be made payable in thirty years at furthest from the time or times when the debentures are issued.

Term of debt.

(4) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the Commission. 8 Edw. VII. c. 31, s. 3.

How payable.

(5) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenues of the Commission, and the Commission shall pay such debenture debts in priority to all other debts. 8 Edw. VII. c. 31, s. 4.

Lenders to have preferential lien on revenue of Commission.

12. The provisions of *The Public Utilities Act* except where inconsistent with the provisions of this Act shall apply to the Commission. 8 Edw. VII. c. 31, s. 5.

Application of Rev. Stat. c. 204.

13. By-laws passed by the Commission shall be authenticated by the signatures of the chairman and secretary and the seal of the corporation; and a copy of any such by-law so authenticated shall be of the same force and shall have the same effect as a copy of a municipal by-law duly certified in the manner provided by *The Municipal Act*. 7 Edw. VII. c. 22, s. 11.

Authentication of by-laws.

Rev. Stat. c. 192.

14.—(1) The Commission may in any by-law provide that any one contravening such by-law shall incur a penalty not exceeding \$50 or be liable to imprisonment for a term not exceeding sixty days, and such penalty may be enforced by any justice of the peace having jurisdiction within the County of Wentworth. 7 Edw. VII. c. 22, s. 12.

Penalty for infraction of by-laws.

(2) *The Ontario Summary Convictions Act* shall apply to every prosecution under any such by-law. *New*.

Application of Rev. Stat. c. 90.

15. All sums collected for license fees or for penalties for offences against any by-law passed by the Commission shall be paid over to the Commission. 7 Edw. VII. c. 22, s. 13.

Application of license fees and penalties.

Repair of
highways.

16. It shall be the duty of the Commission to keep the highways in Burlington Beach in proper repair. 7 Edw. VII. c. 22, s. 14.

Commissioners
to have rights
of township
as to agree-
ments with
railway
companies.

17. In case a railway operated by electricity upon a highway or any portion of which is so operated has been heretofore constructed in Burlington Beach under any agreement with the corporation of the Township of Saltfleet, then so far as such agreement relates to the maintenance and repair of the tracks and roadbed of the railway or the remaining portions of the highways in Burlington Beach over which the railway is operated and to the removal of snow and ice from the tracks of the railway and the disposal of such snow and ice upon the highway or elsewhere, the Commission shall, in respect of that portion of the railway in Burlington Beach, be substituted for and have all the rights and may exercise all the powers and be subject to the same duties as the corporation of the Township of Saltfleet under such agreement and any officer or person named therein and charged with the performance of any duty in respect to such matters thereunder. 7 Edw. VII. c. 22, s. 15.

Railway
tracks to con-
form to
grades.

18. All railway companies occupying highways in Burlington Beach shall cause their tracks to conform to the grades of the highways and shall maintain the same in such manner as shall least obstruct the free and ordinary use of the highways and the passage of vehicles over the same; and the upper surface of the rails shall be laid flush with the surface of the highways and shall conform to the grade thereof. 7 Edw. VII. c. 22, s. 16.

Assessment
and taxation.

Rev. Stat.
c. 195.

Rev. Stat. c. 6.

19.—(1) The Commission may provide for the assessment of all land situate within Burlington Beach, and shall as to it perform and possess all the duties and powers provided for by *The Assessment Act* and *The Ontario Voters' Lists Act* in the case of clerks, assessors and collectors in townships and for the collection of all money due from the owners or occupants of such land, and may expend such money for the purposes hereinbefore set forth, and for such other purposes as may from time to time be approved by the Lieutenant-Governor in Council.

Limit of rate.

(2) No assessment involving the payment of a greater rate on the dollar than that on the 20th day of April, 1907, imposed upon the ratepayers in Burlington Beach shall be made, and no greater tax collected except with the approval of the Lieutenant-Governor in Council. 7 Edw. VII. c. 22, s. 17.

Officers and
workmen.

20. The Commission shall have power to employ such officers and workmen as may be deemed necessary for the purposes of this Act. 7 Edw. VII. c. 22, s. 18.

Books of
account.

21.—(1) The Commission shall cause books to be provided and true and accurate accounts to be entered therein

of all sums of money received and paid out and of the several purposes for which the same were received and paid out; and such books shall be at all times open to the inspection of the Treasurer of Ontario and of any person appointed by him, or by the Lieutenant-Governor in Council, or by a majority of the ratepayers in Burlington Beach for such purposes, and any such person may take copies or extracts from such books.

(2) Sections 26 and 27 of *The Audit Act* shall apply to the accounts of the Commissioners in respect of receipts and expenditures. Rev. Stat. c. 23, ss. 24-27, to apply.

(3) A summary of the receipts and expenditures shall be published annually in a newspaper published in the City of Hamilton. 7 Edw. VII. c. 22, s. 19. Publication of summary of receipts and disbursements.

22. The Commission shall on or before the 1st day of December in each year report to the Lieutenant-Governor in Council the receipts and expenditures of the year and such other matters as may appear to it to be of public interest in relation to the government of Burlington Beach, or to anything arising out of this Act, and shall in all cases supply to the Lieutenant-Governor in Council such information relating thereto as he may direct. 7 Edw. VII. c. 22, s. 20. Annual report to Crown.

23. No action shall be brought against the Commissioners personally for anything done or omitted to be done under this Act without the authority of the Lieutenant-Governor in Council. 10 Edw. VII. c. 26, s. 31 (2). Actions not to lie against Board without consent of Crown.

24.—(1) Burlington Beach shall be deemed to be separated from and shall not form part of the Township of Saltfleet or of the County of Wentworth for municipal or school purposes and shall cease to be subject to the jurisdiction thereof except for judicial purposes. Territory separated from township of Saltfleet and County of Wentworth.

(2) The Commission shall pay annually on or before the 31st day of December until the year 1925 inclusive, and no longer, the sum of \$200 only to the corporation of the Township of Saltfleet for school section number 4 debenture debt existing on the 13th day of April, 1909. Payments by Commissioners of Beach for certain purposes.

(3) The school house in school section number 4 shall be the exclusive property of the school section 4 as constituted after the separation of Burlington Beach therefrom. Schoolhouse in S.S. No. 4, Saltfleet.

(4) The residents of Burlington Beach shall not send any pupils to the school without the consent of the trustees of the section. Pupils not to be sent from Burlington Beach.

(5) The Commission shall also pay annually on or before the 31st day of December the sum of \$250 to the corporation of the County of Wentworth in full satisfaction of all liability to the county. 9 Edw. VII. c. 25, s. 1. Annual payment to county.

Action not to be maintainable against township or county.

25. No action shall be maintainable against the corporation of the County of Wentworth or the corporation of the Township of Saltfleet by reason of the non-repair of the highways, streets, sidewalks or bridges in Burlington Beach or by reason of any misfeasance or nonfeasance in relation to them. 9 Edw. VII. c. 25, s. 2, *part*.

Collection of arrears of taxes.

Rev. Stat. c. 195.

26. The corporation of the Township of Saltfleet may collect in the manner provided by *The Assessment Act* all arrears of taxes up to and inclusive of the year 1906 and still remaining unpaid, and for that purpose the Treasurer and Warden of the County of Wentworth shall have power respectively to take all the proceedings which treasurers and wardens under *The Assessment Act* can take for the sale and conveyance of lands in arrears for taxes in respect to lands in arrears for taxes in Burlington Beach of which a return had been made to the Treasurer of the County of Wentworth for arrears prior to the 31st day of December, 1906. 9 Edw. VII. c. 25, s. 2, *part*.

Application of Rev. Stat. c. 215.

27.—(1) The provisions of *The Liquor License Act* shall apply to and remain in force in Burlington Beach as if it remained a portion of the Township of Saltfleet for municipal purposes, but the proportion of the license fund of the license district which would be otherwise payable to the corporation of the township in respect of Burlington Beach shall belong to and be paid to the Commission; but no more than three licenses shall be granted in Burlington Beach.

Separation from Saltfleet for purposes of Rev. Stat. c. 215.

(2) For the purpose of taking a vote of the municipal electors on any by-law submitted to them under *The Liquor License Act* the Township of Saltfleet shall be deemed to be separate and distinct from Burlington Beach. 7 Edw. VII. c. 22, s. 23; 10 Edw. VII. c. 26, s. 31 (1).

Voting at elections to Assembly.

Rev. Stat. c. 6.

28. For purposes of elections to the Assembly Burlington Beach shall be and remain a portion of the Township of Saltfleet, and all persons in Burlington Beach possessing the necessary qualifications shall be entitled to be placed on the voters' lists of that township; and for such purposes the Commission shall annually before the 15th day of July prepare and furnish to the clerk of the township a list of persons so qualified, and, for the information of the clerk, shall furnish all particulars required in preparing his lists under *The Ontario Voters' Lists Act*. 7 Edw. VII. c. 22, s. 24; 8 Edw. VII. c. 31, s. 1.

Annexation to Wentworth for judicial purposes.

29. For all judicial purposes Burlington Beach shall be and remain a portion of the County of Wentworth. 7 Edw. VII. c. 22, s. 25.